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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,072

06/09/2005

Michael Gunzert

GUNZ3001/FJD

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EXAMINER

CHERRY, STEPHEN J

ART UNIT

PAPER NUMBER

2863

MAIL DATE

DELIVERY MODE

01/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,072	Applicant(s) GUNZERT ET AL.	
	Examiner Stephen J. Cherry	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,23,28,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,23,28,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-23-2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In the Amendment dated 9-23-2008, claims 28, 30, and 31 are amended, and claims 20, 23, 28 and 30-31 are pending in the application.

Information Disclosure Statement

The information disclosure statement filed 8-28-2008 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 30, 20, 23, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 30 and 31 recite, “different measuring modules are selected, when more than one measuring module is provided”; however, because the claims recite, “at least one measuring module”, it is not clear whether or not more than one measuring module is ever provided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20, 23, 28 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,444,644 to Divjak.

Regarding claim 20, Divjak discloses an operating method as claimed in claim 30, further comprising the steps of: controlling a multiplexer by the selection lines such that data transmitted over a module transmission line of the selected measurement module are forwarded via the multiplexer to the central unit ('644, col. 4, line 7).

Regarding claim 23, Divjak discloses an operating method as claimed in claim 30, wherein:

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the measurement modules are periodically selected by the central unit ('644, col. 4, line 7).

Regarding claim 28, Divjak discloses a measuring device for process technology, to be used in measurement and/or cleaning and/or calibration installations in the area of process automation, for measuring pH-values and/or redox potentials and/or other process parameters ('644, fig. 1, ref. 19), comprising: a central unit ('644, fig. 1, ref. 20); a central transmission line ('644, fig. 1, ref. 45); at least one measurement module connected to said central unit by said central transmission line for transferring a data signal over said central transmission line ('644, fig. 1, ref. 19-1, connection through ref. 27-29, ref. 14, and ref. 45); a multiplexer ('644, fig. 1, ref. 18); a selection line associated with each measurement module for connecting associated measurement module to said central unit and to said multiplexer ('644, fig. 1, ref. 42 and 34-35); and a measurement module transmission line associated with each measurement module, for connecting its associated measurement module to said multiplexer ('644, fig. 1, ref. 19-1 to 19-4), wherein: each measurement module is selectable by said central unit by a selection line ('644, fig. 1, ref. 42 and 34-35); said central transmission line and the selection line being different lines ('644, fig. 1, ref. 42 and 34-35 separate from ref. 45); the output of said multiplexer is connectable with said central unit; and said multiplexer is controllable via said selection lines ('644, fig. 1, ref. 42 and 34-35 and multiplexer).

Regarding claim 30, Divjak discloses an operating method for a measuring device for process technology, to be used in measurement and/or cleaning and/or calibration installations in the area of process automation, for measuring pH- values

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and/or redox potentials and/or other process parameters, having a central unit, and at least one measurement module connected with the central unit; comprising the steps of: providing a selection line for each measurement module over which a data signal is transferred ('644, fig. 1, ref. 42 and 34-35); transmitting data from the central unit over a central transmission line to all measurement modules ('644, fig. 1, data transferred through ref. 42 and 34-35); selecting a measurement module by the central unit and an associated selection line ('644, fig. 1, ref. 42 and 34-35 and col. 5, line 47); and utilizing data sent from the central unit only in the measurement module selected by means of the associated selection line ('644, fig. 1, ref. 42 and 34-35, data used when selected by multiplexer, ref. 18), wherein: different measuring modules are selected, when more than one measuring module is provided, for different selection times periodically by the central unit; and the selection times are changed ('644, col. 4, line 7).

Regarding claim 31, Divjak discloses an operating method for a measuring device for process technology, to be used in measurement and/or cleaning and/or calibration installations in the area of process automation, for measuring pH- values and/or redox potentials and/or other process parameters, having a central unit, and at least one measurement module connected with the central unit; comprising the steps of: providing a selection line for each measurement module over which a data signal is transferred ('644, fig. 1, ref. 42 and 34-35); and selecting a measurement module by the central unit and an associated selection line, wherein: the measurement modules are selected, when more than one measurement module is provided, a plurality of times within one cycle ('644, col. 4, line 7).

Response to Arguments

Applicant's arguments with respect to claims 20, 23, 28 and 30-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan Bui/
Primary Examiner, Art Unit 2863

/S. J. C./
Examiner, Art Unit 2863